

STATE HUMAN  
RIGHTS COMMITTEE

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*COMMONWEALTH of VIRGINIA*

*DEPARTMENT OF  
MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES*

Margaret S. Walsh  
State Human Rights Director

Kli Kinzie  
Executive Secretary

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**STATE HUMAN RIGHTS COMMITTEE  
MEETING MINUTES**  
Danville-Pittsylvania Community Services Board  
245 Hairston Street  
Danville, Virginia, 24540  
Friday, July 18, 2003

**ADVOCATES FORUM**  
**8:00 a.m.**

**ADVOCATES PRESENT**

Chuck Collins, Regional Human Rights Advocate, Region I  
Mary W. Towle, Regional Human Rights Advocate, Region II  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Sherry C. Miles, Regional Human Rights Advocate, Region VI  
Jennifer Bailey, CORE Human Rights Advocate, Region IV & V  
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
Stanley Cousins, Human Rights Advocate, Southern Va Mental Health Institute

**COMMITTEE MEMBERS PRESENT**

Joyce Bozeman, Chair  
Jim Briggs  
Angela Brosnan  
Barbara Jenkins  
Bobby Tuck  
Davey Zellmer

**OTHER STAFF PRESENT**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary

**OTHERS PRESENT**

Rena Howard, MR Director, Danville-Pittsylvania Community Services Board  
Joe Hubbard, Director, District 19 Community Services Board

Joyce Bozeman, Chair, opened the meeting by introducing herself. Rena Howard, Mental Retardation Director for Danville-Pittsylvania Community Services Board, welcomed the State Human Rights Committee to Danville. SHRC Members introduced themselves, and advocates and staff of the Office of Human Rights introduced themselves. Dr. Bozeman welcomed new members Barbara Jenkins and Bobby Tuck to the committee.

## **ISSUES:**

### **LHRC Study Group**

Margaret Walsh, State Human Rights Director, summarized Charlotte McNulty's presentation of the LHRC Study Group Report given during the June 6, 2003 meeting in Roanoke, Virginia. The Office of Human Rights and the State Human Rights Committee are looking for ways to reduce the burden carried by programs in supporting LHRCs. This must be done without inconveniencing the volunteer and in a way that maintains maximum protection for the consumer.

The Chair will send a letter of thanks to the Study Group for their recommendations. This item will be further discussed during the September 12 meeting in Charlottesville.

### **Model Variance for HIPAA Compliance**

Margaret Walsh, State Human Rights Director, submitted language from the Office of the Attorney General (OAG) to be used as a model variance that will align the human rights regulations with HIPAA in the areas of accounting and notification.

## **REGULAR MEETING**

**10:15 a.m.**

### **COMMITTEE MEMBERS PRESENT:**

Joyce Bozeman, Chair  
Jim Briggs  
Angela Brosnan  
Barbara Jenkins  
Bobby Tuck  
Davey Zellmer

### **STAFF PRESENT:**

Margaret S. Walsh, State Human Rights Director  
Kli Kinzie, Executive Secretary  
Chuck Collins, Regional Human Rights Advocate, Region I  
Mary W. Towle, Regional Human Rights Advocate, Region II  
Nancy C. Neese, Regional Human Rights Advocate, Region III  
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV  
Reginald T. Daye, Regional Human Rights Advocate, Region V  
Sherry C. Miles, Regional Human Rights Advocate, Region VI

Jennifer Bailey, CORE Human Rights Advocate, Region IV & V  
Sonia Smith, Human Rights Advocate, Catawba Hospital and the Roanoke Valley  
Stanley Cousins, Human Rights Advocate, Southern Va Mental Health Institute

**OTHERS PRESENT:**

Lenard Lackey, Executive Director, Danville-Pittsylvania Community Services Board  
Rena Howard, MR Services Director, Danville-Pittsylvania CSB  
Joe Hubbard, Executive Director, District 19 CSB  
Laura Wilson, Quality Improvement Technician, District 19 CSB  
Sherri Diven, Director of Community Services, District 19 CSB  
Michael A. Thomas, Services Manager, Turning Point, District 19 CSB  
David Lyon, Executive Director, Southern Virginia Mental Health Institute  
Jacqueline B. Dumas, LHRC Member, Southern Va Mental Institute LHRC  
Loretta Abbott, LHRC Liaison, Southern Virginia Mental Health Institute  
Danielle Ross, Quality Development Director, Central Va Community Services  
Lawrence Lambert, Staff Development Director, The Barry Robinson Center  
Patrick Bateman, Clinical Director, The Barry Robinson Director  
Anita White-Woodley, Director of Client Records and Privacy Officer, Southside  
Virginia Training Center  
Krystina Szabo, Director, Pony Express Services, LLC  
Michael Martin, Director, Pony Express Services, LLC  
Tracy Johnson, Associate Administrator, The Pines Residential Treatment Center  
Sharon Holland, Team Leader, A.C.E. Services  
Bonnie Hundley, Team Leader, Day Support, A.C.E. Services  
Wesley B. Carter, M.D., Medical Director, Keystone Newport News Youth Center  
Darlene Doss, Doss Estates, Inc.  
Gerald Doss, Doss Estates, Inc.

**CALL TO ORDER:**

The July 18, 2003, meeting of the State Human Rights Committee was called to order by Chair Joyce Bozeman. Dr. Bozeman introduced Lenard Lackey, Executive Director, Danville-Pittsylvania Community Services Board (DPCSB), who welcomed the SHRC to Danville. Mr. Lackey recognized Rena Howard, Director of Mental Retardation Services for DPCSB.

Mr. Lackey gave an overview of the history and services provided by the CSB. He thanked the committee on behalf of the DPCSB Board, staff and consumers for efforts to protect the rights of Virginia's most vulnerable citizens.

The State Human Rights Committee and staff of the Office of Human Rights introduced themselves to those present for the meeting.

**MINUTES:**

The minutes of the June 6, 2003 State Human Rights Committee meeting were approved as circulated.

**NAME CHANGE:**

## Southampton Memorial Hospital New Outlook Local Human Right Committee

Mr. Reginald T. Daye, Regional Advocate, Region V, presented on behalf of the Southampton Memorial Hospital Local Human Rights Committee, a request to change its name to Suffolk Regional Local Human Rights Committee.

**A motion was made and unanimously passed to approve the name change.**

### **REVIEW:**

The SHRC considered a letter from Michael Gieseke-Smith of Rockbridge Area CSB regarding discharge from state facilities, and Commissioner Reinhard's written response. The Commissioner has established a team to address the issue of ready-for-discharge. This issue will be considered further during the September 12 meeting in Charlottesville.

### **VARIANCES:**

The SHRC considered whether to accept a model variance that will align the human rights regulations with the HIPAA in the areas of accounting and notification.

**The SHRC unanimously voted to pursue a variance that will align the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services* with the Health Insurance Portability and Accountability Act in the areas of accounting and notification.**

Barbara Jenkins spoke with Jane Hickey, Senior Assistant Attorney General, to clarify sections C and E of the language submitted by the Office of the Attorney General (OAG). A facsimile was then sent from the OAG to replace the language earlier submitted.

**The SHRC passed a motion by a vote of 5 to 1 to accept the revision of the model accounting variance dated July 18, 2003. This model language will go to all providers for their consideration.**

### The Pines /Kenbridge Campus

Sherry Miles, Regional Advocate, Region VI, introduced Tracy Johnson, Associate Administrator at the Pines/Brighton campus. Ms. Johnson presented a request for a variance to 12 VAC 35-115-110 B 13, Use of Seclusion, Restraint, Time out, for the Pines/Kenbridge campus.

**A motion to grant the variance failed by a vote of 3 to 3.**

**The Committee recommended that the program resubmit the**

**variance request after specifying that the consumer would have constant one to one supervision during structured living. The SHRC also requests that a medical doctor be consulted before placing a child in the structured living program.**

District 19 Community Services Board

James O. Bowser, Regional Advocate, Region IV, introduced Joe Hubbard, Executive Director, Laura Wilson, Quality Improvement Technician, and Sherri Diven, Director of Community Services, for District 19 CSB, and Michael A. Thomas, Services Manager for Turning Point, District 19 CSB. Ms. Diven reported that Turning Point, a District 19 residential treatment program for substance abusing individuals, is requesting a variance to the requirements of 12 VAC 35-115-50, C7 and 12 VAC 35-115-100, A1b of the regulations regarding the use of the telephone and the receipt of mail. Ms. Diven explained that the variance, if approved, will allow Turning Point to restrict consumer use of the telephone for non-treatment related purposes for the first 24 hours after admission and will allow Turning Point staff to observe consumers opening their mail to ensure no contraband is present.

Ms. Diven reported that the District 19 Local Human Rights Committee approved the variance request on May 6, 2003 with the added provision that Turning Point submit a report to the Local Human Rights Committee in 6 months regarding the use of the substitute procedures allowed by the variance.

**A motion was made and passed by a vote of 4 to 2 to approve the variance request as submitted.**

Barry Robinson Center

Reginald T. Daye, Regional Advocate, Region V, introduced Patrick Bateman, Ph.D., Clinical Director, and Mr. Lawrence Lambert, Staff Training Director, of the Barry Robinson Center. Mr. Lambert provided a brief overview of the services offered by the Barry Robinson Center and the population of children for whom the variance and policy would impact.

Mr. Daye indicated that the Barry Robinson Center is requesting a variance to Section 12 VAC 35-115-110 B13, Use of Seclusion, Restraint, Time Out, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation or Substance Abuse Services*.

Mr. Daye further indicated that approval of the variance will allow the program to implement its structured living policy, which exceeds the regulatory requirements of 30 minutes per episode for the use of time out.

**A motion was made and passed by a 5 to 1 vote to approve, for a one-year period, the Barry Robinson Center variance request and Structured Living Policy as submitted.**

### Keystone Newport News Youth Center

Mr. Daye, Regional Advocate, Region V, and Ms. Jennifer Bailey, CORE Human Rights Advocate for Regions IV and V, introduced Wesley Carter, M.D., Medical Director, of the Keystone Newport News Youth Center. Dr. Carter provided the committee with a brief overview of the services offered by the Keystone Newport News Youth Center and the population of children for whom the variance and plan modification would impact.

Mr. Daye indicated that the Keystone Newport News Youth Center is requesting a variance to Section 12 VAC 35-115-110 B13, Use of Seclusion, Restraint, Time Out, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation or Substance Abuse Services*.

Mr. Daye further indicated that approval of the variance will allow the program to implement its structured living policy which exceeds the regulatory requirements of 30 minutes per episode for the use of time out.

**A motion was made and passed by a vote of 5 to 1 to approve, for a one-year period, the Keystone Newport News Youth Center variance request and Structured Living Policy as submitted.**

### Model Accounting Variance/ SVTC

Anita White-Woodley, Director of Client Records and Privacy Officer, Southside Virginia Training Center (SVTC), requested use of the model accounting variance for SVTC.

**The motion was made and passed by a vote of 5 to 1 to accept Southside Virginia Training Center's request for use of the model variance language with insertion of the facility's name.**

### Model Accounting Variance/ SEVTC

The SHRC reviewed a request from Southeastern Virginia Training Center for use of the model accounting variance.

**The motion was made and unanimously passed to accept Southeastern Virginia Training Center's request for use of the model variance language with insertion of the facility's name.**

### **BYLAWS:**

#### Harrisonburg-Rockingham LHRC

Mr. Charles T. Collins, Regional Advocate for Region I, presented the bylaws for the Harrisonburg-Rockingham LHRC for approval.

The motion was made and unanimously passed to approve the bylaws for Harrisonburg-Rockingham LHRC with the following modification:

Page 4, Article VIII-Organizational Structure, Section 2 (4), change "HRLHRC shall monitor affiliated programs..." to "HRLHRC may monitor affiliated programs..."

**LHRC MEMBERSHIP:**

The State Human Rights Committee unanimously voted to go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose considering appointments to, and removals from, Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

The motion was made and unanimously passed to appoint the following applicants to their respective Local Human Rights Committees.

Mount Rogers Community MH & MR Services Board

Appoint:

Judy Williams

Middle Peninsula/Northern Neck CSB

Appoint:

James Custalow

Prince William County CSB

Reappoint:

Donna Beebe

Richmond Behavioral Health Authority

Appoint:

B. Thomas Butcher, Jr.

District 19 CSB

Appoint:

Carol H. Gittman

Hiram W. Davis Medical Center

Reappoint:

Jeanette Koury

James McLaughlin

James A. Pulliam

Region Ten CSB

Appoint:

Sylvia Milner  
Rockbridge Area CSB  
Reappoint:  
David Novack  
Mary Sue Oas  
Michael Anderson  
Elizabeth Pharr

Valley CSB  
Appoint:  
Lucinda Caldwell

Piedmont Geriatric Hospital  
Reappoint:  
Rev. Franklin R. Gose  
Appoint:  
Margie L. Nevins

**A motion was made and passed with 1 abstention to make the following appointments:**

Northern Virginia Training Center  
Reappoint:  
Edward Anthony Grimm  
Edward Senft  
Paul Fasser, Jr.

Henrico Area MH & MR SB  
Appoint:  
Margie Tuck  
Reappoint:  
Heleen Anderson-Grant

Central Va Training Center  
Appoint:  
Martha Bryant

**The State Human Rights Committee unanimously voted to remove Annette Mack from the Newport News Regional LHRC due to her lack of attendance at regularly scheduled meetings.**

**The SHRC unanimously voted to remove De'Andra McNair-Mason as a member of the Suffolk Regional LHRC (formerly Southampton Memorial Hospital New Outlook LHRC) due to her lack of attendance at regularly scheduled meetings.**

**The SHRC unanimously voted to remove Tamala Jones from membership on the Health Planning Region V Local Human Rights Committee, due to a conflict of interest.**

**The SHRC unanimously voted to make the following**

## **appointments.**

Newport News Regional

Appoint:

Louise W. Beveridge

Precious Etheridge

Holiday House

Appoint:

Tamala Jones

## **State Human Rights Committee Chair's Report:**

Dr. Joyce Bozeman, Chair, submitted the SHRC Bylaws revision for review.

**The SHRC unanimously voted to accept the Bylaws revision.**

The revised Bylaws will be submitted to the State MHMRSAS Board for approval.

## **State Human Rights Director's Report:**

Margaret Walsh, State Human Rights Director, referenced a letter from Margie Tuck regarding guardians, and submitted former Chair Peter McIntosh's response for the committee. Mr. Bobby Tuck acknowledged that the process of granting guardianship and assigning substitute decision makers is lengthy and cumbersome. The committee decided to invite the Virginia Bar to a future meeting to discuss ways of expediting the process of appointing guardians. This issue will be on the agenda for an administrative session.

Ms. Walsh opened discussion regarding the SHRC's response to the recommendations of the LHRC Study Group.

**The motion was made and passed by a 5 to 1 vote that the Chair will send a letter to the Study Group acknowledging their hard work, and informing them that the SHRC will continue to evaluate the current system and seek ways of improvement. The Chair will ask the Study Group if they have anything further to add to their recommendations.**

Ms. Walsh is working on the plan to develop the SVP (Sexually Violent Predator) Unit. The department and the Office of Human Rights are considering options for establishing a protocol for SVPs to voice complaints once the unit is in operation. A request was sent to Central State Hospital LHRC asking that they cover the SVP Unit as part of their oversight responsibility.

Ms. Walsh will arrange for Commissioner's Team for Discharge Planning to attend the September 12, 2003 meeting in Charlottesville.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

Joyce Bozeman, Chair  
State Human Rights Committee